Rejection under 35 USC § 102(b)

Claims 1-7 are rejected under 35 USC § 102(b) as being anticipated by US Patent 6,136,884 ("'884"). The Office Action states that '884 discloses a latex composition for hair care which comprises a hybrid graft copolymer further comprising at least two distinct polymers similar to those of Applicants' invention.

It is Applicants' position that the compositions described, and claimed, in '884 do not anticipate Applicants' compositions. Contrary to the statement made in the Office Action, the polymers disclosed, and claimed, in '884 are not a mixture of distinct polymers but, rather, are a hybrid graft copolymer comprising at least two polymer segments. '884 describes the invention as relating to a "hybrid-graft copolymer having a sulfopolyester grafted with an acid-functional polymer." (see col. 1, lines 10-11, col. 2, lines 39-40, and col. 3, lines 2-4). '884 also provides for a hybrid-graft copolymer having different acid-functional polymer segments grafted on the sulfopolyester. (see col. 6, lines 56-65). There is no disclosure or teaching in '884 of the use of a mixture of homopolymers or a mixture of copolymers in hair care compositions.

Reference is made in '884 to different glass transition temperatures of the polymer segments that make up the claimed hybrid-graft polymer; 15-60 deg. C. for the sulfopolyester segment and, when a combination of two acid-functional polymer segments are utilized, 40-80 deg. C. for the first acid-functional polymer segments and 20-50 deg. C. for the second acid-functional polymer segment. The glass transition temperature of the hybrid-graft copolymer perferably has a glass transition temperature of 15-130 deg. C. There is no teaching or disclosure in '884 of glass transition temperatures of separate polymers. Rather, the glass transition temperatures disclosed are those of the individual polymer segments which make up the hybrid-graft copolymer. It may be inferred that the reported glass transition temperatures for the polymer segments are that which would result from an isolated polymer. However, there is no teaching or disclosure in '884 of such isolated polymers.

The hybrid-graft copolymer disclosed in '884 are used in hair care compositions much as those disclosed in the prior art made of record and not relied upon in that the glass transition temperatures of grafted polymers are manipulated by incorporating into the polymer blocks or grafts polymer segments which give the polymer distinct regions having differing properties. The attempt is to create a single polymer with high and low glass transition temperature regions. As noted in the instant application (page 2, lines 13-14), the disadvantage of this approach is that it is necessary to prepare a single polymer with two different regions with differing properties.

Applicants' polymer compositions are distinguised from those disclosed in the '884 reference in that Applicants' compositions comprise two individual polymers which differ in

their glass transition temperatures rather than one copolymer with regions which differ in their glass transition temperatures. As a result, Applicants' compositions are not anticipated by '884.

With this response, Applicants believe that the rejection has been overcome and the claims are in condition for allowance. Should the Examiner have any suggestions which may put the Application in better condition for allowance, Applicants' attorney is willing to discuss any such suggestions either by phone or at the U. S. Patent and Trademark Office.

Respectfully submitted,

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